

REMARKS

In the Non-Final Office Action of May 8, 2009, the Examiner has indicated that the application contains claims directed to two Groups and three Species which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicants respectfully disagree with the characterization of the claimed invention and the restriction is hereby traversed.

As a formality to comply with 35 U.S.C. § 121 and 372, Applicants provisionally elect Group I, Species I corresponding to claims 1 - 6, 8 - 12 and 14 - 16 and Fig. 1 for an examination on the merits.

It is Applicants' position that Figs. 1 - 3 are related to a single generic inventive concept under PCT Rule 13.1. The Examiner supposes that Figs. 1, 2 and 3 are each directed to a different invention concept. (*See* 5/8/09 Office Action, pp. 2 - 3).

Claim 1 recites a window lift system, comprising "a pulling device; a catch for a window pane, the catch being moved up and down by the pulling device, the catch having (I) a first fastening point for an upwardly pulling end of the pulling device and (ii) a second fastening point for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane when the window pane is fitted; *and an arrangement positioning and fixing the catch in respect of at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted.*"

It is respectfully submitted that the Restriction Requirement is in error since independent claim 1 corresponds to each of Figs. 1- 3, which are substantially similar to one another. Specifically, the limitations of independent claim 1 correspond to each of the Figures, wherein the only varying element therein is the "arrangement positioning and fixing the catch in respect of at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted," as recited in claim 1.

Specifically, each of Figures 1, 2 and 3 depicts “a pulling device,” as recited in claim 1 in the form of the drum 4, the traction cable 5 and the deflection element 6. (*See* Specification, ¶[0028], [0029], [0035], [0036]). Furthermore, each of Figures 1, 2 and 3 depicts a “catch having (i) a first fastening point for an upwardly pulling end of the pulling device and (ii) a second fastening point for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane when the window pane is fitted,” as recited in claim 1 in the form of the catch 2, first fastening point 7 and second fastening point 9. (*Id.* at ¶ [0029], [0035], [0036]).

The limitation of “an arrangement positioning and fixing the catch in respect of at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted,” as recited in claim 1 is also shown in each of the Figures. Furthermore, none of the Figures require any elements in addition to the arrangement recited in claim 1. Specifically, Fig. 1 depicts two supports 12 comprising cones 13 which are arranged so that the catch 2 rests on the cones 13 with two openings formed on the bottom of the catch 2. (*Id.* at ¶ [0030] - [0031]). Fig. 2 depicts a stop 18 configured to stop the catch 2, the stop 18 “positioning and fixing the catch [2] in respect of at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted,” as recited in claim 1. Similarly, Fig. 3 also depicts the stop 18 comprising holes 20, 21, the stop 18 allowing “at least three degrees of freedom such that the catch is kept in a position defined in respect of said degrees of freedom even when the window pane is not fitted,” as recited in claim 1. (*Id.* at ¶ [0036] - [0037]).

It is respectfully submitted that each of Figs. 1, 2 and 3 only differ slightly from one another in that the “arrangement” recited in claim 1 is formed with a different structure. However, it is submitted that independent claim 1 is still generic in that the limitations allotted to the “arrangement” are shown in each of the Figures. Specifically, claim 1 reads on each of Figs. 1 - 3 and defines “an arrangement” that requires no element additional to that recited in claim 1. That is, the scope of Figs. 1 - 3 is fully detailed in independent claim 1 and does not require an

additional element in order to function as directed. It is therefore submitted that each of the Figures comprises all the limitations of independent claim 1 and that claim 1 is therefore generic to each of Figs. 1 - 3.

Accordingly, in view of the above reasons, it is respectfully submitted that each of Figs. 1, 2 and 3 are related to a single general inventive concept and that the restriction is improper. It is therefore respectfully requested that the restriction requirement be withdrawn and that claims 1 - 16 and Figs. 1 - 3 be examined on the merits.

If the Examiner disagrees with the above arguments, the Examiner is respectfully requested to reject the claims for the second time to allow Applicant an opportunity to petition the Restriction Requirement.

An earnest effort has been made to be fully responsive to the Office Action and advance the prosecution of this case. If there are questions, the Examiner is respectfully requested to call the undersigned attorney at the number listed below.

Respectfully submitted,

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